

ASSEMBLY BILL

No. 2591

Introduced by Assembly Member Leno

February 20, 2004

An act to amend Sections 5353.5 and 5371.4 of the Public Utilities Code, relating to charter-party carriers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2591, as introduced, Leno. Charter-party carriers: limousines.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including charter-party carriers of passengers. Charter-party carriers of passengers are subject to the jurisdiction and control of the commission under the Passenger Charter-Party Carriers' Act. The act requires a charter-party carrier of passengers to obtain from the commission a certificate that public convenience and necessity require the operation or a permit issued by the commission, and to operate within the state on a prearranged basis, as defined. The act prohibits the commission from issuing or renewing a permit unless the applicant has met specified requirements, including the submission of specified filing fees.

The act prohibits the governing body of any city, county, or city and county from imposing business license fees on charter-party carriers operating limousines.

This bill would delete those prohibitions and make conforming changes to other related provisions of law.

The act authorizes the governing body of any city, county, or city and county to impose a business license fee on any charter-party carrier domiciled or maintaining a business office within that city, county, or city and county.

This bill would additionally authorize the governing body of any city, county, or city and county to impose a business license fee on any charter-party carrier operating at an airport owned or operated by that city, county, or city and county.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5353.5 of the Public Utilities Code is
2 amended to read:

3 5353.5. On and after July 1, 1989, this chapter does not apply
4 to transportation service, ~~other than transportation service~~
5 ~~furnished in a limousine for hire~~, rendered wholly within the
6 corporate limits of a single city or city and county and licensed or
7 regulated by ordinance.

8 SEC. 2. Section 5371.4 of the Public Utilities Code is
9 amended to read:

10 5371.4. ~~(a) The governing body of any city, county, or city~~
11 ~~and county may not impose a fee on charter-party carriers~~
12 ~~operating limousines. However, the governing body of any city,~~
13 ~~county, or city and county may impose a business license fee on,~~
14 ~~and may adopt and enforce any reasonable rules and regulations~~
15 ~~pertaining to operations within its boundaries for, any~~
16 ~~charter-party carrier domiciled or maintaining a business office~~
17 ~~within that city, county, or city and county, or operating at an~~
18 ~~airport owned or operated by that city, county, or city and county.~~

19 ~~(b) The governing body of any airport may not impose vehicle~~
20 ~~safety, vehicle licensing, or insurance requirements on~~
21 ~~charter-party carriers operating limousines that are more~~
22 ~~burdensome than those imposed by the commission. However, the~~
23 ~~governing board of any airport may require a charter-party carrier~~
24 ~~operating limousines to obtain an airport permit for operating~~
25 ~~authority at the airport.~~

26 ~~(c) Notwithstanding subdivisions (a) and (b), the governing~~
27 ~~body of any airport may adopt and enforce reasonable and~~
28 ~~nondiscriminatory local airport rules, regulations, and ordinances~~
29 ~~pertaining to access, use of streets and roads, parking, traffic~~
30 ~~control, passenger transfers, trip fees, and occupancy, and the use~~

1 of buildings and facilities, that are applicable to charter-party
2 carriers operating limousines on airport property.

3 (d) This section does not apply to any agreement entered into
4 pursuant to Sections 21690.5 to 21690.9, inclusive, between the
5 governing body of an airport and charter-party carriers operating
6 limousines.

7 (e) The commission shall conduct an audit and review of the
8 annual gross revenues earned by charter-party carriers operating
9 limousines for the purpose of ascertaining whether the imposition
10 of additional fees based on a charter-party carrier's gross annual
11 revenues would place an undue administrative or financial burden
12 on the charter-party carrier industry. The commission shall report
13 its findings to the Legislature on or before June 30, 1992.

14 (f) The governing body of any airport shall not impose a fee
15 based on gross receipts of charter-party carriers operating
16 limousines.

17 (g) Notwithstanding subdivisions (a) to (f), inclusive, nothing
18 in this section prohibits a city, county, city and county, or the
19 governing body of any airport, from adopting and enforcing
20 reasonable permit requirements, fees, rules, and regulations
21 applicable to charter-party carriers of passengers other than those
22 operating limousines.

23 (h) For the purposes of this section, "limousine" includes any
24 luxury sedan, of either standard or extended length, with a seating
25 capacity of not more than nine passengers including the driver,
26 used in the transportation of passengers for hire on a prearranged
27 basis within this state.